

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES  
ATLANTA BRANCH OFFICE

THE HILLSHIRE BRANDS COMPANY

and

Cases 16-CA-115125  
16-CA-115869  
16-CA-120110

UNITED FOOD AND COMMERCIAL  
WORKERS, LOCAL 540, AFFILIATED  
WITH UNITED FOOD AND COMMERCIAL  
WORKERS, AFL-CIO

*Jonathan M. Elifson, Esq.,*  
for the General Counsel.

*Michael V. Abcarian and Janet A. Hendrick, Esqs.*  
*(Fisher & Phillips, LLC), and Sandra Zubik, Esq.*  
*(The Hillshire Brands Co.),*  
for the Respondent.

*Yona Rozen, Esq. (Law Offices of Yona Rozen PLLC),*  
for the Charging Party.

DECISION

STATEMENT OF THE CASE

**ROBERT A. RINGLER, Administrative Law Judge.** On October 15 and 16, 2014, this case was heard in Fort Worth, Texas. The complaint alleged that The Hillshire Brands Company (Hillshire or the Respondent) violated Section 8(a)(1) of the National Labor Relations Act (the Act) by threatening and interrogating its employees, and threatening to cause the arrest of nonemployee organizers representing the United Food and Commercial Workers, Local 540, an affiliate of the United Food and Commercial Workers, AFL–CIO (the Union). On the entire record, including my observation of the demeanor of the witnesses, and after thoroughly considering the parties’ briefs, I make the following

## FINDINGS OF FACT<sup>1</sup>

### I. JURISDICTION

At all material times, Hillshire has been a Maryland corporation, with an office and manufacturing facility in Haltom City, Texas (the plant), where it produces packaged foods. Annually, it purchases goods valued at more than \$50,000 directly from points located outside of Texas. Based upon the foregoing, it admits, and I find, that it is an employer engaged in commerce under Section 2(2), (6), and (7) of the Act. It further admits, and I find, that the Union is a Section 2(5) labor organization.

### II. ALLEGED UNFAIR LABOR PRACTICES

#### A. Introduction

This case flows from the Union’s 2013 efforts to organize the plant’s production and maintenance employees.<sup>2</sup> The plant produces State Fair corn dogs, employs approximately 730 workers, and is located at 3900 Meacham Blvd., Haltom City, Texas, where employees access the plant via a driveway (the driveway). A 10-foot wide corridor runs adjacent to the Meacham Blvd. curb, which has been designated a public right-of-way (the right-of-way). The plant’s driveway intersects with this right-of-way.<sup>3</sup>

#### B. June Meeting Involving Supervisor Imelda Nieto

Jaime Hernandez, a former packer,<sup>4</sup> testified that he was called to a closed-door meeting with Supervisor Nieto, who asked him whether he supported the Union. He said that she added that, if the plant unionized, “they were going to take persons that were before me, or had seniority,” and, “[i]f I was not going to meet the standard ... they were going to fire me.” (Tr. 29–30).

Supervisor Nieto denied this exchange. She stated that she consistently told employees, who had Union-related queries, to contact the Human Resources department and refrained from offering any guidance on labor relations matters.

Given that Hernandez stated that he was interrogated and threatened, and Nieto denied this exchange, a credibility resolution is necessary. I credit Hernandez, who had a candid and straightforward demeanor over Nieto, a less reliable witness, whose testimony seemed rehearsed.

<sup>1</sup> Unless otherwise stated, factual findings arise from joint exhibits, stipulations, and undisputed evidence.

<sup>2</sup> All dates herein are in 2013, unless otherwise stated.

<sup>3</sup> Thomas Ice, Haltom City Engineer, provided credible and undisputed testimony regarding the right-of-way and driveway. See also (GC Exhs. 2–3).

<sup>4</sup> He was employed through November, and left for reasons unconnected to Union activity.

**C. August 26 Meeting Involving Human Resources Manager Roberto Salcido**

Rosa Saldivar, a packer, stated that she was called to a closed-door meeting with Salcido, who handed her a Union pamphlet, and then accused her of distributing similar pamphlets to her coworkers. She recalled that he added that he previously worked for a unionized plant, which went bankrupt, and then asked her whether she planned upon “continuing” with the Union. (Tr. 64).

Salcido testified that, after several employees complained about Saldivar distributing Union literature on the production floor, he met with her solely to review Hillshire’s no-solicitation policy. He adamantly denied questioning her about her Union sympathies.

Because Saldivar testified that Salcido questioned her about the Union, and Salcido denied this interrogation, a credibility resolution is warranted. I credit Saldivar, who was a strong witness, with a solid recollection and demeanor. It is also probable that, if employees had genuinely informed Salcido that Saldivar had violated the plant’s no-solicitation policy, Hillshire would have corroborated this point by calling these employees to testify, which was not done. It is equally likely that, if Saldivar had broken a workplace rule, proof of her underlying discipline would have been produced, which was similarly not done. These conspicuous, and unexplained, evidentiary lapses render Salcido’s testimony improbable. Lastly, Salcido’s demeanor was less than believable; specifically, while adept at cooperatively replying on direct, he sparred and frequently paused on cross.

**D. Handbilling**

**1. September 4**

Between 1:20 p.m. and 2 p.m., Union Organizer Miguel Reyes handbilled workers crossing the plant’s driveway. See (GC Exhs. 5–6). He testified that he consistently stood in the right-of-way. He recounted a security guard approaching him and telling him to leave. He then recalled a policeman arriving, who first conferred with Salcido and security, then approached him, sought his identification and invited him to handbill elsewhere, which he declined to do. He stated that he was then arrested for an unpaid ticket from several years before. He said that Director of Organizing Cesar Calderon and Secretary-Treasurer Felipe Mendez arrived shortly before his arrest. He did not recall observing traffic congestion on Meacham Blvd. at any time.

Calderon testified that he and Mendez observed the police question Reyes. He related that Mendez offered the police letters from the Union’s counsel and Haltom City’s attorneys, which discussed their lawful handbilling rights. See (GC Exhs. 16–17). He stated that Officer Kirk Nichols dismissed these letters, responded that Hillshire had accused them of trespassing, and told them that if they failed to stop, they would be arrested. He stated that they departed, and later met with Officer Nichols at the police station, who reiterated that they were trespassing, irrespective of their letters to the contrary. Calderon stated that the police never cited traffic issues, and solely focused on their alleged trespass.

Mendez, who essentially corroborated Calderon's testimony, recalled Officer Nichols dismissively rejecting the Union's letters concerning their handbilling rights by saying that:

5 [Y]ou may have that but that don't mean nothing to me, if the Company says that there's no place where you can handbill, then ... you guys have to leave.

(Tr. 190). He added that they were warned that, if they persisted, they would be arrested.

10 Officer Nichols recalled being summoned to the plant on September 4; he recalled that:

[T]hey called me ... [because] some people were ... handbilling to get the employees of Hillshire to ... join the Union. And the employees ... did not want these persons on their property. So the [Union was] ... saying ... we have the right to be out here, and Hillshire was saying we don't want them .... [A]fter we reviewed everything, we ... told them that Hillshire doesn't want them ..., [and] gave them a criminal trespass warning on behalf of Hillshire, saying that they're not allowed to come on the property.

20 (Tr. 225). He recalled arresting Reyes on an unrelated matter. He denied observing traffic problems, and agreed that the resulting police report did not describe congestion. (Tr. 228, 239).

The police report, which was written by Officer O'Dell, described the following:<sup>5</sup>

25 I observed ... Reyes ... talking to ... Stribling ..., [a] quality assurance lab tech. I made contact with Stribling who told me [that he was] ... impeding traffic that had been arriving .... [and] she did not want ... [him] on the property ... and that he was [a ] union representative handing out fliers ...; I then made contact with ... Salcido .... [who] told me he did not want Reyes on his property or impeding traffic trying to come or leave the job location .... Salcido advised me he wanted to issue Reyes a criminal trespass warning for the business, because he did not want him on the property.

35 I [told] ... Reyes ... [that] they did not want him on the property.... He told me he was standing in the right of way .... I advised him [that] if he impeded traffic .... I would issue ... a citation. I advised him [that] he ... [could] not step back on the property or he would be arrested for trespassing. He told me he was going to come back when people were coming and leaving work and hand out his fliers .... I ran a computer check on Reyes which showed he had a ... warrant out of Dallas PD .... Sgt. Nichols arrived and I advised him ... that they did not want him ... on the property. While speaking with Sgt. Nichols ... Mendez ... and ... Calderon [arrived] .... I then advised [them] ... that they were being issued a criminal trespass warning ....

45 I advised them [that] if they returned ... they would be arrested for trespassing. I then advised Reyes [that] he had a ... warrant out of Dallas PD .... I then placed

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<sup>5</sup> The report identified Salcido as the complainant.

him under arrest for the outstanding warrant.

(GC Exh. 25) (emphasis added).

Salcido testified that his security contractor advised him about the handbillers. Although he was listed as the complainant on the police report, he denied contacting them, and averred that security must have done so on its own initiative. He stated that he told the police that the handbillers were impeding traffic. He recalled this exchange with Officer O'Dell:

[H]e said, do you have a problem with this gentleman [?] .... And I said, no, I don't ... [but] he's going to impede my traffic ... because I have a 1:30 [pm] shift change. And ... we had a previous accident because of impeding traffic.

(Tr. 290). He asserted that Meacham Blvd. was obstructed by the handbillers. He denied, however, seeking their arrest or accusing them of trespass (tr. 293), but, contradictorily emphasized that they were on plant property. He stated that Officer Nichols told him that the handbillers were trespassing and to contact him, if they returned.

## 2. October 22

Calderon recollected handbilling with Mendez at the driveway at 2 p.m.; he testified that they consistently stood in the right-of-way. He stated, at 2:45 p.m., Officer Nichols appeared, requested their identification, and warned that, if they persisted, they would be arrested. He stated that they left. He indicated that the police never raised traffic issues and were solely focused upon their alleged trespass. He denied observing traffic congestion. Mendez corroborated these points.

Officer Nichols testified about the handbilling on this date:

The[y] ... were ... standing ... near the curb .... Hillshire ... check[s] for IDs .... [T]hey would stop here to get checked in .... [T]hat would ... slow it up a little bit. And then, when these cars would ... slow down a little ..., they would start to pass out [handbills]. But it seems like it would clear up pretty quick ....

(Tr. 229). He agreed that he never would have permitted traffic to back up into the cross-section of Beach Street and Meacham Blvd., a major intersection. He stated that someone from Hillshire summoned him to the plant on both occasions, but, was uncertain who initiated this contact. (Tr. 231). He conceded that, if the Union organizers were guilty of trespass, they could be subject to imprisonment. He stated, however, that, he believed that Hillshire had the right to eject the Union because they were maintaining the grass. (Tr. 273). His police report memorialized this exchange with the Union's handbillers:<sup>6</sup>

[On] October 22, ... [I] received a telephone call from ... Salcido .... [who] informed me there were people from a union passing out literature in front of their business. This action was causing cars to block their front entryway. He stated

<sup>6</sup> The report identified Salcido as the complainant.

he did not want them on the business property and wanted to give them a criminal trespass warning.<sup>[7]</sup>

This has been an ongoing problem and I have been to this location [before] . . . .

Upon arrival I could see two people in front of ... Hillshire .... [I] observed both men ... for about thirty minutes. I wanted to observe and see if they indeed were blocking any traffic ....

I proceeded to the ... two men .... When I got to their location I recognized them from the last time .... I asked them why they had come back. And they started to show me paperwork from their attorneys and the city's attorneys in reference to handbilling. I let them know that I too had copies from the last time ....

The men identified as ... Calderon ... [and] Mendez .... told me they were peacefully handbilling ....

Both Calderon and Mendez were adamant about a 10 foot utility easement and stated they could stand in it. I told them the 10 foot easement was for "utilities," but they were still on Hillshire's property. I told them the property manager of Hillshire had requested me to give them criminal trespass warnings .... They were ... given the trespass warnings on the Brazos ticket writer and ... left ....

I then went back ... and met with .... Salcido .... [who] stated he did not want the men on the property and ... will aid in [their] prosecution for ... trespass ....

(GC Exh. 26).

Salcido testified that the plant's security contractor told him that the Union had returned. He stated that he then telephoned Officer Nichols, in accordance with his earlier directive to call if any further issues arose. He denied asking the police to arrest anyone for trespass or seeking the Union's ejection. He claimed that the police, in their sole discretion, issued trespass warnings and ejected the handbillers.

### 3. Findings

Although it is generally undisputed that a 10-foot, right-of-way runs along Meacham Blvd.,<sup>8</sup> the Union handbillers were issued criminal trespass warnings, they were threatened by the police with arrest if they continued and were subject to imprisonment if found guilty of trespass, several other key facts remain in dispute. These issues are addressed below.

<sup>7</sup> This paragraph solely describes Salcido's *accusations*; actual police observations were recorded thereafter.

<sup>8</sup> City Engineer Ice's testimony on this point was credited; he was highly credible, his testimony was logical, the subject fell squarely within his professional expertise, and he was a completely neutral witness who lacked a stake in the outcome. His testimony was further supported by Haltom City's public records. (GC Exh. 3).

**a. Handbilling Within the Right-of-Way**

For several reasons, I find that the Union’s handbilling was confined to the right-of-way. First, Reyes, Calderon, and Mendez were credible, candid and consistent witnesses, who possessed truthful demeanors; their testimony on this point was, thus, credited. Second, the Union verified the legality of their handbilling with their own counsel and Haltom City’s legal and engineering departments, which makes it less implausible that they would then trespass, after going to such great lengths to verify the legitimacy of their actions. Third, given that the Union likely knew that Hillshire would react to their organizing efforts with heightened vigilance, it is probable that its agents sought to insulate themselves from arrest by remaining in the right-of-way. Lastly, the Union had no need to depart from the right-of-way, which offered them a 10-foot corridor that was sufficiently wide enough to permit them to pass out handbills to vehicles without trespassing. I find, as a result, that the handbillers remained in the right-of-way.<sup>9</sup>

**b. Summoning of the Police and Arrest Threats**

I also find that Salcido summoned the police to the plant on both occasions and solicited the police to arrest the handbillers. I afford controlling weight to the police reports, which were drafted immediately following the handbilling. These reports were prepared when events were fresh in the officers’ minds, consistent, authored by two different individuals and made without any motivation to buttress, or impede, unfair labor practice charges that had yet to be filed. The September 4 police report listed Salcido as the complainant, and stated that, “he wanted to issue Reyes a criminal trespass warning for the business, because he did not want him on the property.” (GC Exh. 25). The October 22 police report similarly identified Salcido as the complainant, and again reported that, “he did not want them on the business property and wanted to give them a criminal trespass warning,” and that “the company will aid in prosecution for the criminal trespass.” (GC Exh. 26). I do not, as a result, afford weight to Salcido’s testimony to the extent that it is inconsistent with the police reports; moreover, as noted, he was less than credible.

**c. Traffic Congestion**

I find that the handbilling did not cause traffic congestion on Meacham Blvd. First, Reyes, Calderon, and Mendez, were, as noted, all highly credible and consistent witnesses, with superior demeanors; their testimony on this point has, thus, been credited. Second, the connected police reports conspicuously lack any reference to the Union actually causing traffic congestion and solely memorialize Hillshire’s unsubstantiated accusations. I find it highly probable that, if such congestion occurred, it would have been clearly documented in these reports and the police would have taken action on the basis of this significant public safety issue. Third, Officer Nichols testified that he ousted the handbillers on the basis of his errant belief that there was no public right-of-way, as opposed to their causation of a traffic blockage. Moreover, regarding September 4, he expressly denied observing traffic problems and agreed that the police report did

<sup>9</sup> Hillshire’s position letter from its attorney to the Region during the investigation of the underlying unfair labor practice charges supports this finding, inasmuch as these letters focused on whether the handbilling caused traffic congestion. See (GC Exhs. 10–12).

not describe congestion. (Tr. 228, 239). Concerning October 22, he further stated that the traffic would, “slow down a little ... [and] clear up pretty quick,” which does not suggest a traffic blockage.<sup>10</sup> (Tr. 229). Lastly, for the reasons previously described, I do not afford any weight to Salcido’s testimony to the extent that it suggests that the Union impeded traffic.

### III. ANALYSIS

#### A. Arrest Threats<sup>11</sup>

Hillshire violated Section 8(a)(1), when Salcido solicited the police to arrest, and eject, the Union’s handbillers. An employer violates Section 8(a)(1) Act, when it threatens to, or causes the arrest of, a nonemployee union official engaged in protected activity at its facility, unless it establishes that it held a property interest that legitimized such exclusion. See, e.g., *Corporate Interiors, Inc.*, 340 NLRB 732, 744, 745 (2003); *Wild Oats Markets, Inc.*, 336 NLRB 179, 180 (2001).

In the instant case, Salcido summoned the police to the plant on September 4 and October 22, accused the handbillers of trespass, and requested their expulsion and prosecution. These actions were undertaken, even though the handbillers were performing protected activities in a public right-of-way, and not impeding traffic or compromising public safety. Hillshire failed to show that it held a property interest in the public right-of-way, which legitimized its conduct. Its actions were, accordingly, unlawful.<sup>12</sup>

#### B. Threats of Discharge and Benefit Losses<sup>13</sup>

Hillshire violated Section 8(a)(1), when Nieto threatened Hernandez that, if the plant unionized, “they were going to take persons that were before [you] .... or had seniority.” A statement is an unlawful threat, when it coerces employees in the exercise of their Section 7 rights. 29 U.S.C. § 158(a). In evaluating such statements, the Board:

[D]oes not consider subjective reactions, but rather whether, under all the circumstances, a respondent’s remarks reasonably tended to restrain, coerce, or

<sup>10</sup> Officer Nichols further conceded that his report did not reflect that the picketing had caused congestion and agreed that, “it didn’t back up on this particular day.” (Tr. 243). He then, somewhat inconsistently, claimed at a later point in his testimony that he observed three cars backed up. (Tr. 256). He averred that eight cars would have to be stopped between the driveway and Meacham Blvd. in order for traffic to back up into the Beech Street intersection. I find that his testimony, although imperfect, establishes, on the whole, that the Union did not cause traffic congestion at any point. I chalk up any minor imperfections in his testimony to recall issues associated with a minor police event occurring in the distant past.

<sup>11</sup> This allegation is listed under pars. 7 and 9 of the complaint.

<sup>12</sup> Although the complaint alleges that, “Respondent, by Stubbing and Salcido,” threatened to cause the arrest of the Union’s organizers, the unfair labor practice finding herein is solely based upon Salcido’s conduct, given that the record fails to establish that Stubbing was an agent or supervisor of Hillshire. To the extent that this finding represents a de facto amendment to the complaint, this amendment is valid, inasmuch as this matter was fully litigated, the amendment represents a subtraction from the complaint (i.e. as opposed to an addition, which Hillshire could claim deprived it of notice), and is inextricably intertwined with the complaint. See, e.g., *Pergament United Sales*, 296 NLRB 333, 334 (1989), *enfd.* 920 F.2d 130 (2d Cir. 1990).

<sup>13</sup> This allegation is listed under pars. 8(b) and 9 of the complaint.



interfere with employees’ rights guaranteed under the Act.

*Sage Dining Service*, 312 NLRB 845, 846 (1993); see also *Double D Construction Group*, 339 NLRB 303 (2003) (“test of whether a statement is unlawful is whether the words could reasonably be construed as coercive, whether or not that is the only reasonable construction.”).

In the instant case, Nieto’s comments reasonably conveyed to Hernandez that unspecified employment benefits, and his job security, might become compromised, if the plant unionized. This commentary, consequently, violated the Act.

### C. Interrogations<sup>14</sup>

Hillshire unlawfully interrogated employees, when Nieto asked Hernandez whether he supported the Union, and when Salcido similarly asked Saldivar whether she planned on continuing with the Union. In *Westwood Healthcare Center*, 330 NLRB 935 (2000), the Board held that the following factors determine whether an interrogation is unlawful:

- (1) The background, i.e. is there a history of employer hostility and discrimination?
- (2) The nature of the information sought, e.g., did the interrogator appear to be seeking information on which to base taking action against individual employees?
- (3) The identity of the questioner, i.e. how high was he in the company hierarchy?
- (4) Place and method of interrogation, e.g. was employee called from work to the boss’s office? Was there an atmosphere of unnatural formality?
- (5) Truthfulness of the reply.

*Id.* at 939. In applying these factors, however, the Board concluded that:

In the final analysis, our task is to determine whether under all the circumstances the questioning at issue would reasonably tend to coerce the employee at whom it is directed so that he or she would feel restrained from exercising rights protected by Section 7 of the Act.

*Id.* at page 940.

These exchanges were highly coercive; they occurred in the context of the other unfair practices discussed herein; they occurred behind closed doors and away from the shop floor; one interrogation was exacted by Salcido (i.e. a high-ranking official at the plant); and these exchanges sent the clear message that ongoing Union activities would be subject to heightened scrutiny. Such exchanges were, consequently, unlawful.

<sup>14</sup> This allegation is listed under pars. 8(a) and (c), and 9 of the complaint. Par. 8(d) of the complaint, which involved a separate interrogation allegation, was withdrawn at the hearing. (Tr. 216).

**CONCLUSIONS OF LAW**

1. Hillshire is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The Union is a labor organization, within the meaning of Section 2(5) of the Act.

3. Hillshire violated Section 8(a)(1) of the Act by:

a. Threatening to cause the arrest of Union representatives engaged in protected activities outside of the plant in the public right-of-way, where it lacks a legitimate property interest.

b. Threatening employees with discipline, loss of benefits, and other unspecified reprisals, if they engaged in Union or other protected concerted activities.

c. Interrogating employees about their Union or other protected concerted activities.

4. Such unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

**REMEDY**

As a result of these unfair labor practices, Hillshire is ordered to cease and desist, and take certain affirmative action designed to effectuate the policies of the Act. It is ordered to distribute appropriate remedial notices in English and Spanish electronically via email, intranet, internet, or other appropriate electronic means to its production and maintenance employees employed at the plant, if it normally communicates with such workers electronically, in addition to the traditional physical posting of paper notices on a bulletin board in both English and Spanish. See *J. Picini Flooring*, 356 NLRB No. 9 (2010).

On these findings of fact and conclusions of law, and on the entire record, I issue the following recommended<sup>15</sup>

**ORDER**

The Respondent, The Hillshire Brands Company, Haltom City, Texas, its officers, agents, and representatives, shall

1. Cease and desist from

a. Threatening to cause the arrest of Union representatives engaged in

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<sup>15</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

protected activities outside the plant in the public right-of-way, where it lacks a legitimate property interest.

b. Threatening employees with discipline, loss of benefits and other unspecified reprisals, if they engaged in Union or other protected concerted activities.

c. Interrogating employees about their Union or other protected concerted activities.

d. In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

a. Within 14 days after service by the Region, post at its Haltom City, Texas plant, copies of the attached notice, marked "Appendix."<sup>16</sup> Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted in English and Spanish. In addition to physical posting of such paper notices, notices shall be distributed electronically in English and Spanish, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, it shall duplicate and mail, at its own expense, a copy of the notice to all current and former production and maintenance employees employed by it at its Haltom City, Texas plant at any time since June 1, 2013.

b. Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that it has taken to comply.

Dated, Washington, D.C. December 17, 2014

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**Robert A. Ringler**  
**Administrative Law Judge**

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<sup>16</sup> If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

**APPENDIX**

**NOTICE TO EMPLOYEES**

**Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities

**WE WILL NOT** threaten to cause the arrest of organizers and other representatives of the United Food and Commercial Workers, Local 540, an affiliate of the United Food and Commercial Workers, AFL–CIO (the Union), who handbill outside our plant in the public right-of-way, where we lack a legitimate property interest.

**WE WILL NOT** threaten you with discipline, loss of benefits or other unspecified reprisals, if you engage in Union or other protected concerted activities.

**WE WILL NOT** ask you about your Union or other protected concerted activities.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**THE HILLSHIRE BRANDS COMPANY**  
**(Employer)**

**Dated:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**(Representative)** **(Title)**

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

819 Taylor Street, Room 8A24, Fort Worth, TX 76102-6178  
(817) 978-2921, Hours: 8:15 a.m. to 4:45 p.m.

The Administrative Law Judge's decision can be found at [www.nlr.gov/case/16-CA-115125](http://www.nlr.gov/case/16-CA-115125) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (817) 978-2925.